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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

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IN REPLY REFER TO:

November 17, 1994

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

The Honorable Phil Gramm
U.S. Senator
2323 Bryan Street
#1500
Dallas, Texas 75201
Attention: Clarissa Clarke

Dear Senator Gramm:

Thank you for your letter on behalf of Jack W. Dieken, Sheriff, County of Taylor, Abilene, Texas, regarding the Commission's Billed Party Preference (BPP) proceeding. On May 19, 1994, the Commission adopted a Further Notice of Proposed Rulemaking in this proceeding. I have enclosed a copy of the Further Notice and press release accompanying it for your information.

The Further Notice sets forth a detailed cost/benefit analysis of BPP. This analysis indicates, based on the available data, that the benefits of BPP to consumers would exceed its costs. The Further Notice sought comment on this analysis and asked interested parties to supplement the record concerning the costs and benefits of BPP. The Further Notice also invited parties to recommend alternatives to BPP that could produce many of the same benefits at a lower cost. Reply comments were due September 14, 1994. Presently, the Commission is evaluating the comments submitted and considering the implementation of BPP along with other options.

The Further Notice also explicitly sought comment on whether correctional facility telephones should be exempt if BPP is adopted. Specifically, the Further Notice sought additional information on the effectiveness and costs of controlling fraud originating on inmate lines with or without BPP. The Further Notice also sought comment on a proposal to exempt prison telephones from BPP if the operator service provider adheres to rate ceilings for inmate calling services.

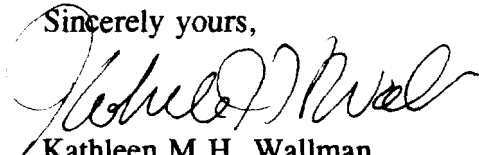
BPP would not preclude prison officials from blocking or limiting inmate calls to specific telephone numbers in order to prevent threatening and harassing calls. Moreover, BPP would not affect the ability of prison officials to limit inmates to collect calling or to program telephone equipment at the prison site to block certain numbers.

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The Honorable Phil Gramm
Page 2

Thank you for your interest in this proceeding. I can assure you that the Commission will carefully examine all of the comments submitted in response to the Further Notice, including additional empirical data regarding the costs and benefits of implementing BPP and the impact of BPP on telephone service from correctional facilities.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Kathleen M.H. Wallman', written in a cursive style.

Kathleen M.H. Wallman
Chief
Common Carrier Bureau

Enclosures

Phil Gramm
Texas

United States Senate

OCA
92-77
4811

MEMORANDUM

Date: 9-21-94

Federal Communications Commission
Office of Congressional Affairs
1919 M Street, N.W.
Washington, D.C. 20554

My constituent has sent me the enclosed communication, and I would appreciate a response which addresses his/her concerns.

Please send your response, together with the constituent's correspondence, to the following address:

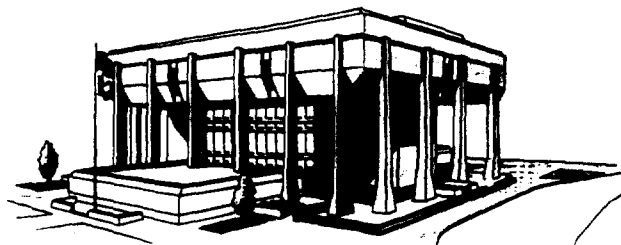
Office of Senator Phil Gramm
2323 Bryan Street, #1500
Dallas, Texas 75201

Attention: Clarissa Clarke

County Of Taylor

Abilene, Texas

JACK W. DIEKEN, Sheriff
450 Pecan Street
Abilene, Texas 79602-1692



Phone Number
(915) 674-1300

August 30, 1994

Senator Phil Gramm
Rm. 370, Russell Bldg.
Washington, D.C. 20510

Dear Senator Gramm:

Thank you for your response to my letter stating problems, as I foresee them, relating to Billed Party Preference (BPP). I also appreciate your providing me with a copy of FCC's Further Notice of Proposed Rulemaking.

My first concern is use of the word "mandate" several times in the FCC document concerning BPP. Out here in West Texas excessive use of the "m-word" coupled with FEDERAL GOVERNMENT have become new common profanities. I just do not think the federal government has any business regulating business in Texas or any other state.

In paragraph 45, in the FCC Further Notice paper, proponents of BPP claim that fraudulent/unwanted calls from correctional institutions, which I perceive to include local and county jails, can be identified and prevented without local controls. They do not address identification of fraud perpetrators in multi-occupancy cells. They do not address how persons in jail would be prohibited from harassing victims, jurors, judges, prosecutors and others if local administrators are not given access to blocking such unwanted calls. Currently, if a person does not wish to receive calls from an inmate they can contact the jail administrator who will see that the requestor's phone number cannot be called by the inmate from his cell phone; even in multi-occupancy cells. Local controls are imperative in jail facilities. Mandates from the FCC do not afford local controls.

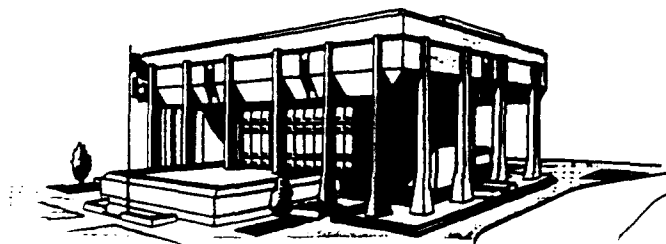
The monies generated in our current system through commissions save tax payers countless dollars. These commissions help pay for equipment and supplies for inmates which otherwise would have to be budgeted from tax revenues. In essence, inmates pay their own way through the money generated from telephone commissions. BPP would take commissions away from jails.

Proponents of BPP claim that money saved by users would more than offset the cost of conversion to BPP. I cannot object to cost savings anywhere. I would hope that an exemption or waiver could be written into BPP to leave local control of jail telephones with jail administrators and permit the continued use of commissions to make inmates pay for phone privileges.

County Of Taylor

Abilene, Texas

JACK W. DIEKEN, Sheriff
450 Pecan Street
Abilene, Texas 79602-1692



Phone Number
(915) 674-1300

September 1, 1994

Hon. Reed E. Hundt
Federal Communications Commission
1919 M. Street, N.W.
Washington, D.C. 20554

Dear Mr. Hundt and Members of the Commission:

This is my second response to your agency concerning Billed Party Preference (BPP). It is my understanding that the FCC has given indication that is favors BPP. I, again, request that you reconsider full implementation of BPP as it relates to correctional facilities including county jails.

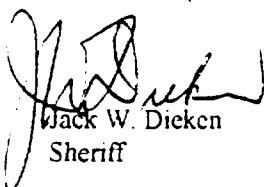
Attached is a copy of a letter dated August 30, 1994, to Senator Phil Gramm of Texas, voicing my concerns with BPP.

BPP supposedly will save consumers money. I cannot and will not take issue with cost saving measures for public consumers. My main concern rests with taking operational controls away from local jail administrators along with monetary commissions which are used by jail administration to purchase equipment and supplies for jails, thus saving tax payer dollars. The current system lets inmates pay for the privilege of using telephones while in jail. The current system allows local administrators the means to stop inmates from making unwanted calls from their jail cells. BPP will take these controls and revenues away from local administrators.

If you plan to approve BPP and its associated mandates, please allow exemptions for correctional facilities. Local controls are essential to safe jail operations. Please allow correctional facilities to continue using the current system which allows jail administrators to implement local controls and utilize commissions to make inmates pay for phone privileges and save tax payers the expense of providing this service. Money generated through commissions will be used to purchase supplies and equipment in jail facilities as in the past under the current system.

Please give this issue full consideration and allow local controls and revenue commissions in correctional facilities.

Sincerely,


Jack W. Dieken
Sheriff

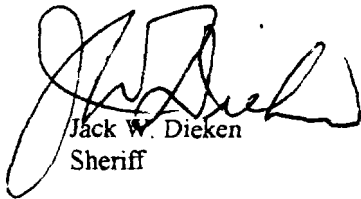
Enclosure

Senator Phil Gramm
August 30, 1994
Page 2

The FCC has a job to do as it concerns interstate commerce. But, there is no place for FCC and associated mandates at the local level, at least in Abilene, Texas.

Thank you for the fine job you are doing in behalf of good conservative legislation. You are representing Texas well.

Sincerely,



Jack W. Dieken
Sheriff